

12-31-01

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Patent

Attorney Docket: 266/115

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 266/115  
 First Named Inventor: John R. Havens  
 Prior Application Information:  
 Serial No. 09/354,931  
 Examiner: Ardin Marschel  
 Art Unit: 1631

Assistant Commissioner for Patents  
 Box Patent Application  
 Washington, D. C. 20231

## FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a CONTINUATION application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/354,931 filed on July 15, 1999, by

**John R. Havens, Michael K. Krihak, Charles E. Greef, and Daniel E. Raymond,**  
 entitled:

## INORGANIC PERMEATION LAYER FOR MICRO-ELECTRIC DEVICE

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## I. APPLICATION ELEMENTS ENCLOSED

- 14 Page(s) of Written Description  
4 Page(s) of Claims  
1 Page(s) of Abstract  
8 Sheet(s) of Drawings ☒ formal ☐ informal  
3 Page(s) of ☐ Declaration or ☒ Declaration and Power of Attorney  
☒ Copy from prior application [37 CFR §1.63(d)]  
☐ Newly executed
- ☒ Assignment papers (cover sheet and documents(s))  
☒ An Information Disclosure Statement, PTO 1449, ☒ with copies of cited items.  
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

OC-92451.1

## CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that I have a reasonable basis to expect that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as 'Express Mail - Post Office To Addressee' in an envelope addressed to Commissioner for Patents, Washington, DC 20231.

Express Mail Label No.: EL622500733US  
 Date of Deposit: October 22, 2001

Micheal A. Smith



II. **FEE CALCULATION**

- ☒ Applicant claims small entity status under 37 CFR 1.27.

<b>BASIC FILING FEE:</b>						<b>\$740.00</b>
Total Claims	1	-	20	=	0	x \$18.00 \$0.00
Independent Claims	1	-	3	=	0	x \$80.00 \$0.00
Multiple Dependent Claims	\$270	(if applicable)				<input type="checkbox"/> \$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>						<b>\$740.00</b>
Reduction by ½ for Filing by Small Entity.						<input checked="" type="checkbox"/> \$370.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
<b>TOTAL FEES DUE HERewith</b>						<b>\$370.00</b>

III. **AMENDMENTS**

- ☐ Cancel in this application original Claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

IV. **RELATE BACK - 35 USC § 120**

- ☒ Relate back information included in preliminary amendment or specification.
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
- ☒ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:

V. **METHOD OF PAYMENT OF FEES**

- ☒ Attached is a check in the amount of \$370.00.
- ☐ Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of \_\_\_\_\_.

VI. **AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. **12-2475** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **12-2475**:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)

- ☒ 37 CFR § 1.17 (Application processing fees)  
☐ 37 CFR § 1.21 (Assignment recordation fees)

**VII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS**

- ☒ The power appears in the original papers in the prior application.  
☐ The power does not appear in the original papers, but was filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_.  
☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 22249:



**22249**

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 West Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

Please direct all inquiries to Patrick S. Eagleman, at the above Customer Number.

Respectfully submitted,

LYON & LYON LLP

By: 

Patrick S. Eagleman  
Reg. No. 44,665

Dated: October 22, 2001

Enclosures

Nanogen, Inc.  
Name of Assignee

10398 Pacific Center Court, San Diego, California 92121  
Address of Assignee

Vice President, General Counsel, and Secretary  
Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on 10/07/1999, Reel 010293, Frame 0688